



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

8. Master and Servant (§ 278 (1)*)—Action for Death—Evidence.—Evidence held to sustain a finding that there was no negligence on the part of the defendant.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 954, 957; Dec. Dig. § 278 (1).* 9 Va.-W. Va. Enc. Dig. 725.]

9. Appeal and Error (§ 389 (1)*)—Forma Pauperis—Federal Employers' Liability Act—State Procedure.—Under Acts 1906, c. 153, providing that, in every civil case docketed in the Court of Appeals, the clerk thereof shall charge to the appellants or plaintiffs in error the cost of printing the record, which shall be paid or secured before the printing is done, and the established procedure in accordance therewith, plaintiff, suing in the state courts under the federal Employers' Liability Act for the death of her intestate, a railroad fireman, could not prosecute her appeal or error in the Court of Appeals in forma pauperis.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 2072, 2073; Dec. Dig. § 389 (1).* 1 Va.-W. Va. Enc. Dig. 520.]

Error to Circuit Court, Roanoke County.

Action by Nathan W. Going's Administratrix against the Norfolk & Western Railway Company. Judgment for defendant, and plaintiff brings error. Affirmed.

Welborn & Jamison, of Roanoke, for plaintiff in error.

Roy B. Smith and *Staples & Cocke*, all of Roanoke, for defendant in error.

TRENT *v.* CLINCHFIELD COAL CORP.

Sept. 11, 1916.

[89 S. E. 921.]

1. Courts (§ 117*)—Records—Impeachment.—The official record of the clerk of court cannot be contradicted.

[Ed. Note.—For other cases, see Courts, Cent. Dig. § 374; Dec. Dig. § 117.* 11 Va.-W. Va. Enc. Dig. 696.]

2. Courts (§ 117*)—Record—Impeachment by Clerk.—In such case, and even if it were permissible to contradict the official record in respect to the time of the entry of the rule, it could not be impeached by the clerk whose record it was.

[Ed. Note.—For other cases, see Courts, Cent. Dig. § 374; Dec. Dig. § 117.* 11 Va.-W. Va. Enc. Dig. 696.]

3. Dismissal and Nonsuit (§ 81 (1)*)—Reinstatement—Deprivation of Defense.—Where an error apparent upon the face of the record in respect to a rule against plaintiff to file a declaration was corrected and the plaintiff nonsuited, his motion for the reinstatement of the cause on the docket would be denied, where a reinstatement would

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digest and Indexes.

deprive the defendant of a defense of limitations that he would otherwise have.

[Ed. Note.—For other cases, see Dismissal and Nonsuit, Cent. Dig. § 182; Dec. Dig. § 81 (1).* 4 Va.-W. Va. Enc. Dig. 718.]

Error to Circuit Court, Dickenson County.

Action by Walter Trent against the Clinchfield Coal Corporation. Judgment for defendant dismissing the case, and plaintiff brings error. Affirmed.

Sutherland & Sutherland, of Clintwood, and *Finney & Wilson*, of Lebanon, for plaintiff in error.

W. H. Rouse, of Clintwood, and *Morison & Robertson*, of Big Stone Gap, for defendant in error.

NORFOLK & W. RY. v. PARRISH.

Sept. 11, 1916.

[89 S. E. 923.]

1. Railroads (§ 356 (1)*)—Injury on Track.—Plaintiff, who was waiting for one of defendant's trains in pursuance of an engagement to meet a passenger and proceed with him on the same train to another place, and who, when the train came in, started upon a wooden walkway from the hotel porch to the north rail of the west-bound track, entirely upon the station premises, and which was used as a passageway to the station with the defendant's knowledge and consent, and who was struck by a pusher engine while crossing the west-bound track, was an invitee upon the station premises, and not a bare licensee or trespasser.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. § 1234; Dec. Dig. § 356 (1).* 16 Va.-W. Va. Enc. Dig. 254.]

2. Appeal and Error (§ 1002*)—Verdict—Conclusiveness.—In an action against a railroad for injury on its track, the jury's finding on conflicting evidence as to the place where plaintiff was injured was conclusive.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3935-3937; Dec. Dig. § 1002.* 1 Va.-W. Va. Enc. Dig. 645.]

3. Trial (§ 191 (8)*)—Instruction—Assumption of Fact.—In an action against a railroad for injury on its track, an instruction not assuming that plaintiff was going the customary way to the station when he was struck, but leaving his positive testimony that he was using the regular passageway when struck to the jury, was not objectionable.

[Ed. Note.—For other cases, see Trial, Cent. Dig. § 420; Dec. Dig. § 191 (8); Railroads, Cent. Dig. § 1383.* 7 Va.-W. Va. Enc. Dig. 718.]

4. Trial (§ 203 (1)*)—Action for Injury—Instruction—Theory.—Where, if the jury believed the plaintiff's testimony, he would be an

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digest and Indexes.